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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,962	08/31/2001	William Hastings Wurz	8462-AFP	2221
20349	7590	12/15/2005	EXAMINER CHOWDHURY, NIGAR	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/944,962	WURZ ET AL.	
	Examiner	Art Unit	
	Nigar Chowdhury	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) 10-18 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 31 August 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/31/01</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Fig.1 (520). Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 11-18 are objected to because of the following informalities: Claims 11-18 are depend on claim "9". However, claims 11-18 are actually depended on claim 10. Appropriate correction is required. For art rejection, claim 11-18 are assumed to be depended on claim 10.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites the limitation "said pattern" in line 2. There is insufficient antecedent basis for this limitation in the claim.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 6 and 7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In claim 6, applicant said "between the provision step and retrieval step" but applicant didn't describe in the specification about provision step and retrieval step.

Claim 7 is depends on the rejected claim 6 and therefore, inherit the deficiency thereof.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 8, 9 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. patent No. 5926285 by Koji Takahashi.

Takahashi clearly shows a indexing and retrieving method that includes all the limitations recited in claim 1.

- Provide a hard copy representation (See Fig. 26, 27 and Col.4 line 15-20.

Fig. 26 and Fig. 27 shows the hard copy representation of the images during reproduction), hard copy having the information of the location of the image (See Fig. 21, 26, 27 and Col. 15 line 56-60, Col. 21 line 40, 41.

Fig. 26 and Fig. 27 shows the hard copy of the image. Hard copy has a encoded frame , which include information of the picture. Fig. 21 shows the data information in the bar code).

- Retrieve information by using the information of the hard copy (See Fig. 19b (522, 203), Col. 21 line 43-45. Printer 203 has a sensor unit 522 to read the bar code to retrieve the information from the tape).

Claim 2 introduces a video cassette recorder or a video disc to the combination of claim 1. Takahashi clearly teaches a disc as a medium of image capture and store image (See Col. 22 line 35). So it will be easy and convenient to carry a disc instead of tape recorder.

Claim 3 limits claim 1 by introducing a printer to print the image with the location of the image. Takahashi teaches a printer to print the selected images and the identification data of the images in the print images (Col. 4 line 15-20).

Similarly, in Claim 4, applicant introduces a bar code, which has encoded frame location information to the combination of claim 1. Takahashi shows a bar code (See Fig. 21 and Col. 17 line 56-59) for locating the information of the image.

Claim 5 introduces a magnetic stripe for digital data and sound recording to the combination of claim 1. Takahashi teaches a strip (See Col. 17 line 12) to record and print images from that.

Claim 8 limits claim 1 by adding a scanning device to scan the barcode. Takahashi clearly teaches a scanner to scan (See Fig. 19b (522), Col. 21 line 40-44) the bar code to retrieve the information of the image. So it will be easy to find out the identification of the image by scanning the bar code.

Regarding claim 9, applicant introduces a thermal image transfer device to the combination of claim 3. Takahashi clearly shows a thermal printer (See Col. 22 line 41) to print the images.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent No. 5926285 by Koji Takahashi.

In claim 10, applicant introduces a retrieving method to retrieve the user specified frames during recordation and playback of video images. Takahashi teaches a retrieving method that includes some of the limitation recites in claim 10.

- Providing an index representation (See Fig. 4 (E2), Col. 4 line 64-67 and Col. 5 line 1-10. Fig. 4 (E2) shows a index, which has 2 parts. One is search and another one is data. Data include all the information about the image, such as starting identifying data, end identifying data, etc.).
- Providing a selected sequence of frames (See Col.5 line 26-30, Col. 19 line 47-50. Col. 19 shows the images are reviewed whether or not the

contents of the picture are the content of the desired picture and Col. 5 shows that after reviewing picture, it can be edited if necessary.)

- Converting sequence into digital form (See Fig. 2B, Col. 6 line 66, 67 and Col. 7 line 1-9. Fig. 2B shows a converter 21, which convert images into digital signal. Digital image signal write into frame memory 22 and store there.)
- Providing location identifying marks (See Fig. 4, Col. 15 line 56-60 and Col. 22 line 35. Index has the identifying data to identify the location of the image and Col. 22 shows that a tape like medium can be a disc).
- Writing the location identifying marks on the header track (See Fig. 4, Col. 7 line 37-42. Fig. 4 shows a head scan which has identifying information to access quickly and easily)

Takahashi also teaches the hard copy of the image but doesn't teach a jacket cover for the video disc. It is noted that the use of jacket covering the video disc is old and well-known in the recording art. Therefore, official notice is taken. Moreover, It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a well-known jacket cover for the video to protect the video disc and it is also easy to carry.

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Claim 11 limits claim 10 by including a video cassette recorder or digital video disc recorder. Takahashi teaches a disc recorder (Col. 22 line 35) to record the pictures.

Claim 12 further limits claim 10 by introducing a printing device. Takahashi clearly shows a printer to print the selected images and the identification data of the images in the print images (Col. 4 line 15-20).

Similarly, in claim 13 applicant introduces a bar code to the combination of claim 10. Takahashi shows a bar code (See Fig. 21 and Col. 17 line 56-59) for locating the information of the image.

Claim 14 introduces a magnetic strip for location information to the combination of claim 10. Takahashi teaches a strip (See Col. 17 line 12) in the form of location information.

Claim 15 limits claim 10 by adding a hard copy representation during recording or playback. Takahashi shows a print (Col. 1 line 62-64) of the image during reproducing.

Claim 16 limits claim 13 by including a thermal image transfer device. Takahashi clearly shows a thermal printer (See Col. 22 line 41) to print the images.

Claim 17 introduces a single image to the combination of claim 10. Takahashi teaches a hard copy of single image with a bar code (Fig. 26 and 27, Col. 21 line 40-44).

Claim 18 introduces a thumbnail representation of user specifiable image frames to the combination of claim 10. Takahashi fails to teach the thumbnail representation. It is noted that the use of thumbnail fashioned printed scene is old and well-known in the recording art. Therefore, official notice is taken. ~~However,~~ It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a ^{well-known} thumbnail representation of the image to see without loading the tape, play and find out the desired location of the scenes.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nigar Chowdhury whose telephone number is 571-272-8890. The examiner can normally be reached on 9 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read "THAI TRAN". Below the signature, the text "PRIMARY EXAMINER" is printed in a smaller, sans-serif font.